



Bhutan

Country Reports on Human Rights Practices - [2002](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 31, 2003

Bhutan is ruled by a hereditary monarch, King Jigme Singye Wangchuk, who governs with the support of a National Assembly, a Cabinet, a Council of Ministers (the Royal Advisory Council), and the Monastic Body, a 5,000-member body that is headed by four representatives with the consent of the King. There is no written constitution to protect fundamental political and human rights; however, during the year a constitution was being drafted and debated by the National Assembly. In recent years, the Government has adopted some measures to increase the power of the National Assembly. Since ascending to the throne in 1972, the King has continued the efforts toward social and political modernization begun by his father. In the last few years, the Government has improved rapidly services in education, health care, sanitation, and communications, with parallel but slower development of representative governance and decisionmaking. The judiciary is not independent of the King.

The Royal Bhutan Police (RBP), assisted by the Royal Bhutan Army (including those assigned to the Royal Body Guard), and a national militia maintain internal security. Some members of these forces committed human rights abuses.

The economy is predominately a government-controlled economy. It is based on agriculture and forestry, which provide the main livelihood for 90 percent of the population and account for approximately half of the gross domestic product (GDP); the population is 698,950. Agriculture largely consists of subsistence farming and animal husbandry. Citrus fruit, cardamom, and other spices are the leading agricultural exports. Cement and electricity are the other important exports. Strong trade and monetary ties link the economy closely to that of India. Income distribution remained very unequal, with the approximately 10 percent of the population receiving about 70 percent of the national income. Hydroelectric power production potential and tourism are key resources, although the Government limits tourism because of inadequate infrastructure and environmental and cultural concerns. Tourist arrivals also are limited by a requirement that tourists purchase a high priced minimum daily rate holiday package before visiting the country. Visas are required of all persons other than Indian nationals. Unemployment for the population under the age of 20 increased during the year.

The Government's human rights record remained poor, and problems remained in several areas. Citizens do not have the right to change their government, although citizens voted for 105 out of the 150 representatives in the National Assembly during the year. The King exercised strong, active, and direct power over the Government. The Government prohibits political parties, and none operate legally. Arbitrary arrest and detention remained problems, and reports continued of torture and abuse of detainees. Impunity for those who commit abuses also was a problem. Judges serve at the King's pleasure, and the Government limited significantly the right to a fair trial. In April 2000, the Government established the Department of Legal Affairs. Programs to build a body of written law and to train lawyers were progressing. The Government limited significantly citizens' right to privacy. The Government restricted freedom of speech, press, assembly, and association. Citizens faced limitations on freedom of religion. Approximately three-fourths of population is composed of Buddhists with cultural traditions akin to those of Tibet. The Buddhist majority consisted of two principal ethnic and linguistic groups: The Ngalongs of the western part of the country and the Sharchops of the eastern part of the country. The remaining one fourth of the population, ethnic Nepalese, most of whom are Hindus, primarily live in the country's southern districts. Government efforts to institute policies designed to preserve the cultural dominance of the Ngalong ethnic group, to change citizenship requirements, and to control illegal immigration resulted in political protests, ethnic conflict, and repression of ethnic Nepalese in southern districts during the late 1980s and early 1990s. Since 1998 the Government began resettling Buddhist Bhutanese from other regions of the country on land in southern districts vacated by the ethnic Nepalese living in refugee camps in Nepal, which is likely to complicate any future return of the ethnic Nepalese.

Tens of thousands of ethnic Nepalese left the country in 1991-92, many of whom were expelled forcibly. According to the U.N. High Commissioner for Refugees (UNHCR), as of March, 101,160 ethnic Nepalese remained in 7 refugee camps in eastern Nepal; upwards of 15,000 reside outside of the camps in the Indian states of Assam and West Bengal. The Government maintained that some of those in the camps never were citizens, and therefore have no right to return. The Government continued its negotiation with the Government of Nepal on repatriation of ethnic Nepalese in the refugee camps. A bilateral meeting of Foreign Secretaries in November 2001 failed to resolve disputes concerning the categorization of refugees in terms of eligibility for their eventual repatriation. The Government restricted worker rights.

The Government claimed that it has prosecuted government personnel for unspecified abuses committed in the early 1990s; however, there is little indication that the Government has investigated adequately or punished any security force officials involved in torture, rape, and other abuses committed against ethnic Nepalese residents.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary and Unlawful Deprivation of Life

There were no reports of arbitrary or unlawful deprivations of life committed by the Government or its agents.

Domestic human rights groups alleged that the Government has taken no action to punish a government official for the 1998 killing of Buddhist monk Gomchen Karma. The Government stated that the shooting was accidental and that the official responsible has been suspended from duty and charged in connection with the incident. The opposition Druk National Congress claimed that the official responsible reportedly was forced to resign from his government job; however, he was never tried.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The laws proscribe torture and abuse in general; however, human rights advocates stated that in practice the security forces ignored these provisions. No one was prosecuted in connection with violating prohibitions against torture during the year. In 2000 there were reports that security forces stopped ethnic Nepalese refugees attempting to return to the country, beat them or tortured them, and sent them back across the border. Refugee groups state that this has discouraged others from trying to return to the country.

Refugee groups credibly claimed that persons detained as suspected dissidents in the early 1990s were tortured and/or raped by security forces. During those years, the Government's ethnic policies and the crackdown on ethnic Nepalese political agitation created a climate of impunity in which the Government tacitly condoned the physical abuse of ethnic Nepalese. The Government indicated that members of the RBP engaged in "overzealous" behavior in dealing with the ethnic Nepalese political agitation, and the Government prosecuted three government officials for unspecified abuses of authority during that period; however, the Government failed to provide further details of these cases to the public.

Prison conditions reportedly were adequate, if austere. Visits by the International Committee of the Red Cross (ICRC) and the opening of a prison in Thimphu contributed to improving conditions of detention. However, human rights groups active outside the country maintained that prison conditions outside of the capital city of Thimphu remained oppressive.

The Government and the ICRC signed a new Memorandum of Understanding in 1998, extending the ICRC prison visits program for another 5 years. The ICRC conducted one prison visit during the year, as it has done for each of the past 8 years, and was allowed unhindered access.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remained problems. Under the law, police may not arrest a person without a warrant and must bring an arrested person before a court within 24 hours, exclusive of travel time from place of arrest. However, legal protections were incomplete, due to the lack of a fully developed criminal procedure code and to deficiencies in police training and practice. Incommunicado detention, particularly of Nepalese refugees returning without authorization, was still known to occur. Incommunicado detention of suspected militants was a serious problem in the early 1990s, but the initiation of ICRC prison visits and the establishment of an ICRC mail service between detainees and family members has helped to allay this problem. Of those detained in connection with political dissidence and violence in southern areas in 1991-92, 70 continued to serve sentences after conviction by the High Court, according to the ICRC.

In May 2001, Damber Singh Pulami, a refugee who had lived in a camp in Nepal, was arrested in the country. Pulami reportedly was a member of the Youth Organization of Bhutan (the youth wing of the banned Bhutan People's Party) and had gone to the country to check on the internal resettlement of non-Nepalese to the south. Amnesty International (AI) still has not received a response to queries about the charges against him, his whereabouts, and his physical condition, although according to one human rights group Pulami is in Chemgang Jail in Thimphu. The Government admitted that it had arrested Pulami in May 2001; however, it alleged that Pulami was a criminal and was arrested in connection with extortion, kidnaping, killing, and subversive activities. According to AI, Tul Man Tamang, a 30-year-old construction worker was arrested in June 2001 on suspicion of organizing political activities. He reportedly was taken to a police station at Chimakothi in Chhukha district where he allegedly

was tortured, held incommunicado in a dark cell, and forced to sign a statement saying he was leaving the country voluntarily before being forcibly exiled to India. During the year, the Government continued to deny that it had arrested Tul Man Tamang.

There were no developments in the June 2001 arrest of Ugyen Tenzing, a member of the Druk-Yul Peoples' Democratic Party, in Samtse district. N.L. Katwal, a central committee member of the Bhutan Gorkha National Liberation Front, was 1 of more than 55 persons arrested during a demonstration in Phuntsholing in 2000. In December 2000, he was sentenced to 13 years and 6 months in prison. He was serving his sentence in Chamgang Jail at year's end.

Rongthong Kunley Dorji, leader of the Druk National Congress (DNC) and United Front for Democracy in Bhutan (UFD), was arrested in India in 1997, following the issuance of an extradition request by Bhutanese authorities. Human rights groups contend that the charges brought against Dorji by the Government are motivated politically and constitute an attempt to suppress his prodemocracy activities. In 1998 an Indian court released Dorji on bail but placed restrictions on his movements. Dorji's extradition case still was pending in the Indian courts and is proceeding slowly. According to a refugee-based human rights group, only one prosecution witness, a Joint Secretary in India's Ministry of External Affairs, has been cross-examined in the last 40 months. The next witness, another Indian government official, was scheduled to testify in January 2003.

In the past, according to AI, many persons have been detained on suspicion of being members or supporters of the DNC. Human rights groups alleged that arrest and abuse of refugees returning to the country without authorization continued to occur but went unreported by the Government. The Government acknowledged that 58 persons whom it described as terrorists were serving sentences at the end of 1998 for crimes including rape, murder, and robbery. There were no peaceful protest marches from India to Bhutan during the year, perhaps due to fear of arrests and deportation, as occurred in previous years after such marches. Persons holding peaceful marches from India to Bhutan charged that in 1999 the Bhutanese police assaulted them, injuring several demonstrators, and then arrested and deported all of the marchers to Nepal (see Section 5).

Although the Government does not use exile formally as punishment, many accused political dissidents freed under government amnesties state that they were released on the condition that they depart the country. Many of them subsequently registered at refugee camps in Nepal. The Government denied this.

e. Denial of Fair Public Trial

There is no written constitution and the judiciary is not independent of the King; however, during 2001 the King commanded a 39-member committee to draft a constitution, which is intended to pave the way for a constitutional monarchy in upcoming years (see Section 3). The judicial system consisted of three branches, the Sub-Divisional Court, the District Court, and a High Court. Only the King can pardon or commute a sentence. Judges were appointed by the King on the recommendation of the Chief Justice and may be removed by the King. There was no uniform system of qualifications for judge appointments. For example, a nongovernmental organization (NGO) reported that the Chief Justice had not completed formal high school studies before his judicial appointment. Village headmen adjudicate minor offenses and administrative matters.

The Office of Legal Affairs (OLA) conducted state prosecutions, drafted and reviewed legislation, and rendered legal counsel. The OLA was composed of a Legal Services Division (which eventually was to become the Ministry of Law and Justice) with domestic, international, and human rights sections; and a Prosecution Division, with a criminal section and a civil section.

Criminal cases and a variety of civil matters were adjudicated under a legal code established in the 17th century and revised in 1958 and 1965. State-appointed prosecutors filed charges and prosecuted cases for offenses against the State. In other cases, the relevant organizations and departments of government filed charges and conducted the prosecution. Defendants were supposed to be presented with written charges in languages that they understood and given time to prepare their own defense. However, according to some political dissidents, this practice was not always followed. There were reports that defendants received legal representation at trial, and that they could choose from a list of 150 government-licensed and employed advocates to assist with their defense; however, it was not known how many defendants actually received such assistance. A legal education program gradually was building a body of persons who have received formal training abroad in the law. For example, the Government sends many lawyers to India and other countries for legal training; 54 persons have completed legal studies abroad, and 43 more were enrolled. Village headmen, who had the power to arbitrate disputes, constitute the bottom rung of the judicial system. Magistrates, each with responsibility for a block of villages, could review their decisions. Magistrates' decisions could be appealed to district judges, of which there was one for each of the country's 20 districts. The High Court in Thimphu is the country's Supreme Court.

Defendants have the right to appeal to the High Court and may make a final appeal to the King, who traditionally delegated the decision to the Royal Advisory Council. Trials were supposed to be conducted in open hearings, but NGOs alleged that this was not always the case in practice. Courts decisions were not published and public access to the country's laws was limited. The National Library houses the legal codes in the national language, but other copies or volumes were not available to the public. There was a legal requirement that citizens pay for their own legal counsel; however, many citizens were unable to afford representation and thus in practice did not receive legal assistance in court.

Questions of family law, such as marriage, divorce, and adoption, traditionally are resolved according to a citizen's religion: Buddhist tradition for the majority of the population and Hindu tradition for the ethnic Nepalese. Nonetheless the Government states that there is one formal law that governs these matters.

Some or all of the approximately 106 prisoners serving sentences for offenses related to political dissidence or violence, primarily by ethnic Nepalese during 1991-92, may be political prisoners (see Section 1.e.).

In 1999 the King pardoned prisoner Tek Nath Rizal, a prominent ethnic Nepalese dissident and internationally recognized political prisoner. In 2000 Rizal was granted permission to leave the country to receive medical treatment in India; however, at year's end, NGOs reported that the Government has failed to restore his house and land, which in effect, forced him to lead a migratory life and move from one place to the next.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There are no laws providing for these rights. According to human rights groups, police regularly conducted house-to-house searches for suspected dissidents without explanation or legal justification. The Government requires all citizens, including minorities, to wear the traditional dress of the Buddhist majority in all public places, and strictly enforced this law for visits to Buddhist religious buildings, monasteries, or government offices; in schools, and when attending official functions and public ceremonies; however, some citizens commented that enforcement of this law was arbitrary and sporadic.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government restricts freedom of speech, and to a lesser extent freedom of the press. The country's only regular publication is Kuensel, a weekly newspaper with a circulation of 15,000. It also reports stories on a daily basis through its on-line edition. Kuensel was formerly government-run and human rights groups have stated that government ministries reviewed editorial material and suppressed or changed content. According to the Government, Kuensel was independent and was funded entirely through advertising and subscription revenue. Its board consists of senior civil servants and private individuals. Kuensel, was published in English, Dzongkha, and Nepali languages, and it supported the Government but did occasionally report criticism of the King and of government policies in the National Assembly. For example, the Kuensel published a series of articles that exposed corrupt practices of some Ministers during the year. Some journalists who worked for Kuensel were reportedly subjected to threats and harassment by the Ministers and their activists. The Government maintained that there were no restrictions on individuals starting new publications, but that the market was too small to support any. Nepalese, Indian, and other foreign newspapers and magazines were available, but readership was in the hundreds and primarily limited to government officials.

After a 10-year ban on private television reception, in 2000 the Government began to allow broadcasts of locally produced and foreign programs. There were more than 33 cable providers in the country with more than 10,000 subscribers. A large variety of programming was available, including CNN and BBC. The Government did not censor cable content. The Government radio station broadcasts each day for two hours in the four major languages (Dzongkha, Nepali, English, and Sharchop).

The Government inaugurated the country's first Internet service provider, Druknet, in 1999; it had 1,820 subscribers as of late 2000. There were Internet cafes in Thimphu, Phuentsholing and Bumthang. The Government did not censor any content on Druknet except for pornography, which was blocked.

There were no reported restrictions on academic freedom.

b. Freedom of Peaceful Assembly and Association

The Government restricted freedom of assembly and association. Citizens may engage in peaceful assembly and association only for purposes approved by the Government. NGOs and political parties were illegal under the law. Although the Government allowed civic and business organizations, there were no legally recognized political parties. The Government regarded parties organized by ethnic Nepalese exiles—the Bhutan People's Party (BPP), the Bhutan National Democratic Party (BNDP), and the Druk National Congress—as "terrorist and antinational" organizations and declared them illegal. These parties, which seek the repatriation of refugees and democratic reform, did not conduct activities inside the country.

c. Freedom of Religion

The law provides for freedom of religion; however, the Government restricted this right in practice. The Drukpa branch of the Kagyupa School of Mahayana Buddhism was the state religion. Approximately two-thirds of the population practiced either Drukpa Kagyupa or Ningmapa Buddhism.

The Drukpa discipline was practiced predominantly in the western and central parts of the country, which was inhabited mainly by ethnic Ngalongs (descendants of Tibetan immigrants who predominate in government and the civil service, and whose cultural norms have been declared to be the standard for all citizens). The Ningmapa school was practiced predominantly in the eastern part of the country, although there were adherents, including the royal family, in other areas. Most of those living in the east are ethnic Sharchops—the descendants of those thought to be the country's original inhabitants. The Government subsidized monasteries and shrines of the Drukpa sect and provided aid to approximately one-third of the Kingdom's 12,000

monks. The Government also provided financial assistance for the construction of Drukpa Kagyupa and Ningmapa Buddhist temples and shrines. NGOs reported that permission from the Government to build a Hindu temple was required but rarely granted. There were no Hindu temples in Thumphu, despite the migration of many ethnic Nepalese to Thumphu. The Drukpa branch of Buddhism enjoyed statutory representation in the National Assembly (Drukpa monks occupy 10 seats in the 150-member National Assembly) and in the Royal Advisory Council (Drukpa monks hold 2 of the 11 seats on the Council); the Drukpa branch was an influential voice on public policy. Citizens of other faiths, mostly Hindus, enjoy freedom of worship but may not proselytize. Followers of religions other than Buddhism and Hinduism generally were free to worship in private homes but may not erect religious buildings or congregate in public. Under the law, conversions were illegal. Some of the country's few Christians, mostly ethnic Nepalese living in the south, state that they were subject to harassment and discrimination by the Government, local authorities, and non-Christian citizens.

The King declared major Hindu festivals to be national holidays, and the royal family participates in them. Foreign missionaries are not permitted to proselytize, but international Christian relief organizations and Jesuit priests were active in education and humanitarian activities. The Government restricted the import into the country of printed religious matter; only Buddhist religious texts can be imported. According to dissidents living outside of the country, Buddhist religious teaching, of both the Drukpa Kagyupa and Ningmapa sects was permitted in the schools, but the teaching of other religious faiths was not. Applicants for government services sometimes were asked their religion before services are rendered. All government civil servants, regardless of religion, were required to take an oath of allegiance to the King, the country, and the people. The oath does not have religious content, but was administered by a Buddhist lama.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens traveling in border regions were required to show their citizenship identity cards at immigration check points, which in some cases were located at a considerable distance from what is in effect an open border with India. By treaty citizens may reside and work in India.

The country was not a signatory to the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol (see Section 5). The Government states that it recognizes the right to asylum in accordance with international refugee law; however, the Government has not formulated a policy regarding refugees, asylees, first asylum, or the return of refugees to countries in which they fear persecution.

According to one credible human rights source, until recently the Government systematically arrested and imprisoned Tibetan refugees crossing the border with Tibet. This policy was followed under a tacit agreement with China. So invariable was this policy that Tibetan leaders advised refugees not to use routes of escape through the country, and refugees have not done so for several years. Since Tibetans effectively were the only refugee population seeking first asylum in the country, the issue of first asylum did not arise during the year.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. The country is a monarchy with sovereign power vested in the King. However, during 2001 a draft constitution was written. A newspaper quoted the Chief Justice of the Supreme Court as saying that the committee discussed the merits of multiparty politics. The drafting committee was chaired by the Chief Justice of the High Court and was, according to the Government, composed of representatives of the Monastic body, the people, the judiciary, and the Royal Government. The Government indicated that the Constitution would be a codification of existing Buddhist-influenced societal standards. In 1998 the King devolved his day-to-day executive powers to the Council of Ministers, who were elected by the National Assembly from among themselves, but reserved control of "matters of national sovereignty and national security" for himself. He also introduced term limits for his Council of Ministers and proposed measures to increase the role of the National Assembly in the formation of his Government. The National Assembly elected a new Council of Ministers and Government in July 1998 to a 5-year term. In July 2001, the National Assembly elected six Royal Advisory Councilors. There were elected or partially elected assemblies at the local, district, and national levels, and the Government claimed to encourage decentralization and citizen participation. These elections were conducted in much the same way as National Assembly elections. Since 1969 the National Assembly has had the power to remove ministers whom the King appoints, but it never has done so. Political authority ultimately resided in the King, and decisionmaking involves only a small number of officials. Officials subject to questioning by the National Assembly routinely make major decisions, but the National Assembly is not known to have overturned any decisions reached by the King and government officials.

Political parties do not exist legally. The Government has banned parties established abroad by ethnic Nepalese, Sarchops, or Eastern Bhutanese (see Section 2.b.).

The National Assembly had 150 members. Of these, 105 were elected by citizens, 10 were selected by a part of the Buddhist clergy, and the remaining 35 were appointed by the King to represent the Government. The National Assembly, which meets irregularly, had little independent authority. However, there were efforts underway to have the National Assembly meet on a more regular basis, and in recent years the King and the Council of Ministers have been more responsive to the National Assembly's concerns. The procedures for the nomination and election of National Assembly members state that in order to be eligible for nomination as a candidate, a person must be a citizen; be at least 25 years of age; not be married to a foreign

national; not have been terminated or compulsorily retired for misconduct from government service; not have committed any act of treason against the King, the populace, and country; have no criminal record or any criminal case pending against him; have respect for the nation's laws; and be able to read and write in Dzongkha (the language, in several dialects, spoken by Bhutanese Buddhists).

Each National Assembly constituency consists of a number of villages. Each village was permitted to nominate one candidate but must do so by consensus. There was no provision for self-nomination, and the law states that no person may campaign for the candidacy or canvass through other means. If more than one village within a constituency puts forward a candidate, an election was conducted by the district development committee, and the candidate obtaining a simple majority of votes cast was declared the winner. During the year, the law allowed individuals over the age of 18 the right to vote. The law did not make clear how a candidate was selected if none achieves a simple majority. However, it did state that in case of a tie among the candidates in the election, selection shall be made through the drawing of lots. The candidate whose name was drawn shall be deemed to be elected.

Human rights activists claim that the only time individual citizens have any involvement in choosing a National Assembly representative was when they are asked for consensus approval of a village candidate by the village headman. The name put to villagers for consensus approval by the headman is suggested to him by district officials, who in turn take their direction from the central Government. Consensus approval took place at a public gathering. Human rights activists stated that there was no secret ballot.

The National Assembly enacted laws, approved senior government appointments, and advised the King on matters of national importance. Voting was by secret ballot, with a simple majority needed to pass a measure. The King may not formally veto legislation, but may return bills for further consideration. The Assembly occasionally rejected the King's recommendations or delayed implementing them, but in general, the King had enough influence to persuade the Assembly to approve legislation that he considered essential or to withdraw proposals he opposed. The Assembly may question government officials and force them to resign by a two-thirds vote of no confidence; however, the National Assembly never has compelled any government official to resign. The Royal Civil Service Commission was responsible for disciplining subministerial level government officials and has removed several following their convictions for crimes, including embezzlement.

The 1998 decree provided that all cabinet ministers were to be elected by the National Assembly and that the roles and responsibilities of the cabinet ministries were to be spelled out. Each cabinet minister was to be elected by simple majority in a secret ballot in the National Assembly from among candidates nominated by the King. The King was to select nominees for cabinet office from among senior government officials holding the rank of secretary or above. The King was to determine the portfolios of his ministers, whose terms were limited to 5 years, after which they must pass a vote of confidence in the National Assembly in order to remain in office. Finally the decree provided that the National Assembly, by a two-thirds vote of no confidence, can require the King to abdicate and to be replaced by the next person in the line of succession. After adopting the decree, the National Assembly elected a new council of ministers consistent with it. Human rights groups maintained that since only the King may nominate candidates for cabinet office, their election by the National Assembly was not a significant democratic reform. The King removed himself as Chairman of the Council of Ministers in 1998. Based on an election held in the National Assembly in 1998, Cabinet Ministers who received the most votes rotate the position on a yearly basis. The Chairman of the Council of Ministers serves as Prime Minister and Head of Government. At year's end, Trade and Industry Minister Khundu Wangchuk served as Chairman.

The Monastic Body comprised of 5,000 monks was financed by an annual government grant and was the sole arbiter on religious matters in the country. The body also played an advisory role in the National Assembly, the Royal Advisory Council, and with the King. The King almost consistently deferred to the body's pronouncements on religious matters and many decisions affecting the state.

There are 15 women in the National Assembly. There are 2 women in the Supreme Court, 23 percent of civil service employees are women, and women hold more than 30 percent of positions at the Ministry of Foreign Affairs. The persistence of traditional gender roles apparently accounted for a low proportion of women in government, although women have made visible gains.

There are 105 elected people's representatives in the National Assembly. All major ethnic groups are represented in the National Assembly, including 14 ethnic Nepalese.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no legal human rights NGOs in the country. The Government regarded human rights groups established by ethnic Nepalese exiles—the Human Rights Organization of Bhutan, the People's Forum for Human Rights in Bhutan, and the Association of Human Rights Activists-Bhutan—as political organizations and did not permit them to operate in the country. AI was permitted to visit in 1998, and later released a report.

ICRC representatives conducted a yearly prison visit, and the Government allowed them unhindered access to detention facilities, including those in southern districts inhabited by ethnic Nepalese. The chairman and members of the U.N. Human Rights Commission Working Group on Arbitrary Detention have made two visits to the country.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

Ongoing government efforts to cultivate a national identity rooted in the language, religion, and culture of the Ngalong ethnic group restricted cultural expression by other ethnic groups. In the late 1980s and early 1990s, the Government instituted policies designed to preserve the cultural dominance of the Ngalong ethnic group. It also committed many abuses against the ethnic Nepalese, which led to the departure of tens of thousands of them. Many ethnic Nepalese were expelled forcibly, and almost 100,000 of them remain in refugee camps in Nepal. At the time, the Government claimed that it was concerned about the rapid population growth of and political agitation by the ethnic Nepalese. The Government claimed ethnic and gender discrimination in employment was not a problem. It claims that ethnic Nepalese fill 16 percent the civic service or government employment, which was less than their proportion of the total population. Bhutanese human rights groups active outside the country claim that ethnic Nepalese actually make up approximately one third of the country's population and that the Government underreports their number. Women were accorded respect in the traditions of most ethnic groups, although some exile groups claim that gender discrimination was a problem.

Women

There was no evidence that rape or spousal abuse were extensive problems. However, NGOs reported that many women did not report rape either because of the cultural issues or because they were unaware of the legal options.

The Rape Act contained a clear definition of criminal sexual assault and specified penalties. In cases of rape involving minors, sentences range from 5 to 17 years. In extreme cases, a rapist may be imprisoned for life. There were few known instances of sexual harassment.

Women constitute 48 percent of the population and participate freely in the social and economic life of the country. Approximately 43 percent of enrollment in school was female. Inheritance law provides for equal inheritance among all sons and daughters, but traditional inheritance practices, which vary among ethnic groups, may be observed if the heirs choose to forego legal challenges. Dowries were not customary, even among ethnic Nepalese Hindus. Among some groups, inheritance practices favoring daughters reportedly account for the large numbers of women who own shops and businesses and for an accompanying tendency of women to drop out of higher education to go into business. However, female school enrollment has been growing in response to government policies. Women increasingly were found among senior officials and private sector entrepreneurs, especially in the tourism industry. Women in unskilled jobs generally are paid slightly less than men. Women constitute approximately 30 percent of the formal work force.

In questions related to family law, including divorce, child custody, and inheritance, were adjudicated by the customary law of each ethnic or religious group. The minimum age of marriage for women was 16 years, except in the case of Muslims, who continue to follow their customary marriage practices. The application of different legal practices based on membership in a religious or ethnic group often results in discrimination against women. Polygyny was allowed, provided the first wife gives her permission. Polyandry was permitted but did not often occur. Marriages may be arranged by the marriage partners themselves as well as by their parents. Divorce was common. Existing legislation requires that all marriages must be registered; it also favors women in matters of alimony.

Children

The Government demonstrated its commitment to child welfare by rapid expansion of primary schools, healthcare facilities, and immunization programs. Mortality rates for both infants and children under 5 years dropped significantly since 1989. The Government provided free and compulsory primary school education, and primary school enrollment increased 9 percent per year since 1991, with enrollment of girls increasing at an even higher rate. Government policies aimed at increasing enrollment of girls increased the proportion of girls in primary schools from 39 percent in 1990 to 45 percent during 2001. In 2001 the participation rate for children in primary schools was estimated at 72 percent, with the rate of completion of 7 years of schooling at 60 percent for girls and at 59 percent for boys. The number of children enrolled in school has grown to 126,718 in 2001. There was no law barring ethnic Nepalese children from attending school. However, most of the 75 primary schools in southern areas heavily populated by ethnic Nepalese that were closed in 1990 remain closed. The closure of the schools acts as an effective barrier to the ability of the ethnic Nepalese in southern areas to obtain a primary education. In addition, ethnic Nepalese also claimed that the Security Clearance Form, which is a prerequisite for taking one's passport out of the Foreign Ministry, was biased against ethnic Nepalese. The ethnic Nepalese said that since the forms are based on the security clearance of their parents, it frequently excludes children of ethnic Nepalese. Exile groups claim that Nepalese students scoring highly on national exams were not always given the same advantages as other students (such as the chance to study abroad at government expense), particularly if they are related to prominent dissidents or refugees.

There was no societal pattern of abuse against children. Children enjoy a privileged position in society and benefit from international development programs focused on maternal and child welfare. A study by the U.N. Children's Fund (UNICEF) found that boys and girls received equal treatment regarding nutrition and health care and that there is little difference in child mortality rates between the sexes.

Persons with Disabilities

There was no evidence of official discrimination toward persons with disabilities, but the Government has not passed legislation mandating accessibility for persons with disabilities. Societal discrimination against persons with disabilities remained a

problem.

National/Racial/Ethnic Minorities

Ethnic Nepalese have lived in the southern part of the country for centuries, and the early phases of economic development at the turn of the century brought a large influx of additional ethnic Nepalese. Early efforts at national integration focused on assimilation, including financial incentives for intermarriage, education for some students in regions other than their own, and an increase in development funds for the south. However, in the late 1980s, concern over the increase in the population of and political agitation among ethnic Nepalese prompted aggressive government efforts to assert a national culture, to tighten control over southern regions, to control illegal immigration, to expel ethnic Nepalese, and to promote national integration.

Discriminatory measures, introduced in 1989, continued during the year. Measures included a requirement that national dress be worn for official occasions and as a school uniform, the teaching of Dzongkha as a second language in all schools, and an end to instruction in Nepali as a second language

During the mid- and late 1980s, citizenship became a highly contentious matter. Requirements for citizenship first were formalized in the Citizenship Law of 1958, which granted citizenship to all adults who owned land and had lived in the country for at least 10 years. However, the law significantly tightened requirements and resulted in the denaturalization of many ethnic Nepalese. The 1985 law required that both parents be citizens in order to confer citizenship on a child, and that persons seeking to prove citizenship through their own or their parents' residency in 1958 be able to prove residency in the country at that time. In many cases, persons were unable to produce the documentation necessary, such as land tax receipts from 1958, to show residency. The law permits residents who lost citizenship under the 1985 law to apply for naturalization if they can prove residence during the 15 years prior to that time. The Government declared all residents who could not meet the new citizenship requirements to be illegal immigrants. Beginning in 1988, the Government expelled large numbers of ethnic Nepalese through enforcement of the new citizenship laws.

The Citizenship Act also provided for the revocation of the citizenship of any naturalized citizen who "has shown by act or speech to be disloyal in any manner whatsoever to the King, country, and people of Bhutan." The Home Ministry later declared in a circular that any nationals leaving the country to assist "antinationalists," and the families of such persons, would forfeit their citizenship. Human rights groups alleged that these provisions were used widely to revoke the citizenship of ethnic Nepalese who subsequently were expelled or otherwise departed from the country. In response to the perceived repression, ethnic Nepalese protested, sometimes violently. The protests were led by the BPP, which advocated full citizenship rights for ethnic Nepalese and for democratic reforms. Characterizing the BPP as a "terrorist" movement backed by Indian sympathizers, the authorities cracked down on its activities and ordered the closure of local Nepalese schools, clinics, and development programs after several were raided or bombed by dissidents. There were credible reports that many ethnic Nepalese activists were beaten and tortured while in custody, and that security forces committed acts of rape. There also were credible reports that militants, including BPP members, attacked and killed census officers and other officials, and engaged in bombings.

Local officials took advantage of the climate of repression to coerce ethnic Nepalese to sell their land below its fair value and to emigrate. Beginning in 1991, ethnic Nepalese began to leave southern areas of the country in large numbers and take refuge in Nepal. Many ethnic Nepalese claimed they also were forced to sign "voluntary migration forms" and leave the country, after local officials threatened to fine or imprison them for failing to comply. According to UNHCR, there were 102,800 ethnic Nepalese refugees in seven refugee camps in eastern Nepal as of December. An additional 15,000 refugees, according to UNHCR estimates, were living outside the camps in Nepal and India.

Ethnic Nepalese political groups in exile complain that the revision of the country's citizenship laws in 1985 denaturalized tens of thousands of former residents of the country. They also complained that the new laws have been applied selectively and made unfair demands for documentation on a largely illiterate group when the country only recently adopted basic administrative procedures. They claimed that many ethnic Nepalese whose families have been in the country for generations were expelled because they were unable to document their claims to residence. The Government denies this and asserts that a three-member village committee, typically ethnic Nepalese in southern districts, certifies in writing that a resident is a citizen in cases where documents cannot be produced.

Since 1994 there have been a series of negotiations between Nepal and Bhutan to resolve the Bhutanese refugee problem. In December 2000, the two countries agreed upon a system to verify the Bhutanese refugees in Nepal in preparation for their return to the country. Refugee verifications began in March 2001. By December 2001, all the residents of the first camp had been interviewed, and the Bhutanese verification team went back to Thimphu pending the start of verification at the next camp. Refugee groups are concerned that at the present rate, verification will take several years. Bilateral negotiations on repatriation issues in November 2001 failed to arrive at an agreement, and the matter was deferred to a proposed future session of ministerial-level talks. The talks' earlier lack of progress frustrated refugees, and some held "peace marches" to protest their plight.

The UNHCR monitored the conditions of the Bhutanese refugees in camps in eastern Nepal and provided for their basic needs. U.N. officials, diplomats and NGO representative visitors to the camps had described conditions as generally very good, largely as a result of efficient UNHCR administration, conscientious government oversight and the refugees taking responsibility for their surroundings. However, there were reports by refugee women and children that some of the Bhutanese refugee workers at the camps had committed sexual assault. The UNHCR responded by conducting an investigation and the Government of Nepal

provided more police protection to the camps.

The Government contended that many of the documents presented by refugees in the camps were fraudulent. NGOs claimed that these assertions by the Government represented an attempt to eliminate the majority of the refugees from qualifying as citizens.

In 1998 the Government expanded its program of resettling Buddhist Bhutanese from other regions of the country on land in the southern part of the country vacated by the ethnic Nepalese living in refugee camps in Nepal. Human rights groups maintained that this action prejudices any eventual outcome of negotiations over the return of the refugees to the country. The Government maintained that citizens who are ethnic Nepalese from the south sometimes were resettled on more fertile land in other parts of the country. The failure of the Government to permit the return of ethnic Nepalese refugees has tended to reinforce societal prejudices against this group, as has the Government's policy on the forced retirement of refugee family members in government service and the resettlement of Buddhists on land vacated by expelled ethnic Nepalese in the south.

Section 6 Worker Rights

a. The Right of Association

Trade unions were not permitted, and there were no labor unions. The Government maintained that, with very little industrialization, there was little labor to be organized.

b. The Right to Organize and Bargain Collectively

There was no collective bargaining in industry. Workers did not have the right to strike, and the Government was not a member of the International Labor Organization (ILO). Industry accounted for approximately 25 percent of the GDP, but employed only a minute fraction of the total work force. The Government affected wages in the manufacturing sector through its control over wages in state-owned industries.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Government prohibits forced or bonded labor, and there were no reports that such practices occurred. However, mandatory national service was practiced. Agricultural workers were required to work in state service for 15 days per year. NGOs stated that this practice was administered selectively. For instance, NGOs believe the practice often selected poor agricultural workers at the height of their harvesting season. There was no evidence to suggest that domestic workers were subjected to coerced or bonded labor.

d. Status of Child Labor Practices and Minimum Age for Employment

The law sets the minimum age for employment at 18 years for citizens and 20 years for noncitizens. A UNICEF study suggested that children as young as 11 years sometimes are employed with roadbuilding teams, which usually were made up of non-citizen guest workers. Children often do agricultural work and chores on family farms. The law specifically does not prohibit forced and bonded labor by children, but there were no reports that such practices occurred. The country has not ratified ILO Convention 182 on preventing the Worst Forms of Child Labor; however, as a state party to the U.N. Convention on the Rights of the Child, the Government supports the provisions contained therein. The country lacks a large pool of ready labor; for major projects, such as road works, the Government brings in hired laborers from India.

e. Acceptable Conditions of Work

A circular that went into effect in 1994 established wage rates, rules and regulations for labor recruiting agencies, and the regulations for payment of worker's compensation. Wage rates were revised periodically, and range upward from a minimum of roughly \$2.50 (100 ngultrums) per day plus various allowances paid in cash or kind. This minimum wage provided a decent standard of living for a worker and family. The workday was defined as 8 hours with a 1-hour lunch break. Work in excess of this must be paid at one and one-half times normal rates. Workers paid on a monthly basis are entitled to 1 day's paid leave for 6 days of work and 15 days of leave annually. The largest salaried work force was the government service, which has an administered wage structure last revised in 1988 but supplemented by special allowances and increases. The last such increase was in 1999. According to the latest Census of Manufacturing Industries, only 38 industrial establishments employed more than 50 workers. Smaller industrial units included 39 plants of medium size, 345 small units, 832 cottage industry units, and 2,154 "mini" units. The Government favored family-owned farms. Land laws prohibited a farmer from selling his or her last 5 acres and required the sale of holdings in excess of 25 acres. This, along with the country's rugged geography, results in a predominantly self-employed agricultural workforce. Workers were entitled to free medical care within the country. Cases that cannot be dealt with in the country were flown to other countries (usually India) for treatment. Workers were eligible for compensation for partial or total disability, and in the event of death their families were entitled to compensation. Existing labor

regulations did not grant workers the right to remove themselves from work situations that endanger health and safety without jeopardizing their continued employment.

f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.